IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21833 of 1998

Between:

SRC Contructions Pvt. Ltd., Rep by its Managing Director P.Raja Reddy,
1-11-220/A, Begumpet,
Hyderabad. S/o. late Venkat Reddy, **..... PETITIONER**

AND

1 The Govt. of AP, rep by its Secretary T(R & B) Department
Secretariat, Hyderabad.
2 The Chief Engineer,
APHMHIDC, 5th Floor,
Pioneer House, Somajiguda, Hyderabad.
3 The Executive Engineer,
APHMHIDC, Warangal. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring G.O.Ms.No.6-T R & B (B-III) Dept. dt.13.1.96 as illegal, arbitrary, unreasonable, void and consequently direct the respondents follow the procedure of collecting seigniorage fee from my bills at the time of payment of bills payable to me in accordance with G.O.Ms.No.205, Transport, Road & Buildings, (B-III) Dept. dt.8.10.93 and to pass

Counsel for the Petitioner:MR.KRISHNA MOHAN SIKHARAM

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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ORDER:

This writ petition is filed seeking to declare the G.O. Ms.No.6 Transport, Roads & Buildings Departments, dated 12-01-1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the earlier procedure for recovering the seigniorage charges from the bills of the contractors by the R & B Department in accordance with G.O.Ms. No.205 Tr & B, dated 08-10-1993.

It is submitted by the learned Special Government pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1997 and batch, dated
07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1997 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

N.V. RAMANA, J

01/03/2005

tvk

To

1 The Govt. of AP, rep by its Secretary T(R & B) Department
Secretariat, Hyderabad.
2 The Chief Engineer,
APHMHIDC, 5th Floor,

Pioneer House, Somajiguda, Hyderabad.

3 The Executive Engineer,
APHMHIDC, Warangal.

4.) 2 CCs to Government Pleader for Transport, High Court of A.P.Buildings, Hyderabad (OUT)

5) 2 CD copies

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